

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/8/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CARMEN TAVAREZ-VARGAS, *individually and on behalf:*
of all others similarly situated :
:
Plaintiff, :
:
-against- :
:
DANCING DEER BAKING COMPANY, INC., :
:
Defendant. :
X

1:21-cv-10606-GHW

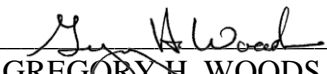
ORDER

GREGORY H. WOODS, United States District Judge:

On June 9, 2022, the Court noted that it expected Plaintiff to file an application for the issuance of an order to show cause as to why default judgment should not be entered in this case no later than July 7, 2022. Plaintiff did not file such an application by that date. Accordingly, if Plaintiff plans to pursue a default judgment in this case, Plaintiff's application to do so should be filed forthwith, and in no event later than July 13, 2022. If Plaintiff has determined not to pursue default judgment, Plaintiff is ordered to file a letter informing the Court of that decision no later than July 13, 2022. Plaintiff is reminded that failure to comply with the Court's order could result in dismissal of this case pursuant to Federal Rule of Civil Procedure 41(b), which "authorizes a district court to 'dismiss a complaint for failure to comply with a court order, treating the noncompliance as a failure to prosecute.'" *Lawrence v. Curry Shack, Corp.*, No. 17-CV-10250 (JGK), 2019 WL 1493577, at *1 (S.D.N.Y. Apr. 3, 2019) (citing *Simmons v. Abruzzo*, 49 F.3d 83, 87 (2d Cir. 1995)).

SO ORDERED.

Dated: July 8, 2022
New York, New York


GREGORY H. WOODS
United States District Judge